

MINUTES

MONTANA SENATE 60th LEGISLATURE - REGULAR SESSION

COMMITTEE ON LOCAL GOVERNMENT

Call to Order: By **CHAIRMAN KIM GILLAN**, on February 15, 2007 at 3:13 P.M., in Room 335 Capitol.

ROLL CALL

Members Present:

Sen. Kim Gillan, Chairman (D)
Sen. John Esp (R)
Sen. Kelly Gebhardt (R)
Sen. Bob Hawks (D)
Sen. Carol C. Juneau (D)
Sen. Rick Laible (R)
Sen. Lynda Moss (D)
Sen. Terry Murphy (R)
Sen. Jerry O'Neil (R)
Sen. Mitch Tropila (D)
Sen. Carol Williams (D)

Members Excused: None.

Members Absent: None.

Staff Present: Leanne Heisel, Legislative Branch
Marigail Schreiner, Committee Secretary

Audio Committees: These minutes are in outline form only.

They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: SB 160, SB 325, SB 349, 1/31/2007;
SB 427, 2/12/2007
Executive Action: SB 51, SB 110, SB 284, SB 147,
SB 264, SB 14

00:00:00 Opening comments by Chairman Gillan

HEARING ON SB 349

Opening Statement by Sponsor:

00:01:14 **SEN. DON RYAN (D), SD 10**, opened the hearing on **SB 349**, Conservation district representation on certain city-county planning boards.

EXHIBIT(los34b01)

Proponents' Testimony:

00:03:43 Jill Lorang, Administrator, Cascade County Conservation District

00:05:47 Dale Marxer, Member Conservation Board, Cascade County

00:05:55 Sen. Williams arrived

00:07:25 Sarah Carlson, Montana Association of Conservation Districts

Opponents' Testimony:

00:08:54 None

Informational Testimony:

00:09:05 Ray Beck, DNRC

Questions from Committee Members and Responses:

00:09:19 Sen. Hawks to Sen. Ryan

00:10:52 Sen. Juneau arrived

00:12:04 Sen. Hawks to Ray Beck

00:14:15 Sen. Esp to Sen. Ryan

Closing by Sponsor:

00:16:01 Sen. Ryan

HEARING ON SB 427

Opening Statement by Sponsor:

00:17:06 **SEN. BOB HAWKS (D), SD 33**, opened the hearing on **SB 427**, Restrictions on outdoor lighting.

Proponents' Testimony:

00:23:35 None

Opponents' Testimony:

00:23:41 Pete Lawrence, Montana Rail Links

00:25:28 Aiden Myhre, Montana Dakota Utilities

00:26:59 Bud Clinch, Executive Director, Montana Coal Council

00:29:03 Steve Pilcher, Montana Stockgrower's Association

00:31:18 Bruce Spencer, Montana Automobile Association

00:34:50 Dave Galt, Executive Director, Montana Petroleum Association

00:36:08 Barbara Ranf, BNSF Railways

00:37:04 Haley Beaudry, Columbia Falls Aluminum

00:38:38 Jon Bennion, Montana Chamber of Commerce

00:39:06 Don Allen, WEATA

Informational Testimony:

00:40:27 None

Questions from Committee Members and Responses:

00:40:37 Sen. Laible to Sen. Hawks

00:44:56 Sen. Esp to Sen. Hawks

00:46:27 Sen. Gebhardt to Sen. Hawks

Closing by Sponsor:

00:47:19 Sen. Hawks

HEARING ON SB 160

Opening Statement by Sponsor:

00:48:55 **SEN. TRUDI SCHMIDT (D), SD 11**, opened the hearing on **SB 160**, Use of senior and disability transportation funds as matching funds.

Proponents' Testimony:

00:53:55 Larry Flynn, Montana Department of Transportation

00:56:52 Lyn Hellegaard, State Coordinator, Montana Transit Association

00:58:54 Claudia Clifford, Associate State Director, AARP

[EXHIBIT\(los34b02\)](#)

Opponents' Testimony:

01:00:29 Tom Osborne, Chair, Montana Transportation Partnership

[EXHIBIT\(los34b03\)](#)

[EXHIBIT\(los34b04\)](#)

01:05:17 Shyla Patera, Independent Living Specialist

[EXHIBIT\(los34b05\)](#)

Informational Testimony:

01:07:28 Charlie Briggs, Montana Association of Disability Services

Questions from Committee Members and Responses:

01:10:03 Sen. O'Neil to Shyla Patera

01:14:50 Sen. Esp to Sen. Schmidt

01:15:36 Sen. Esp to Larry Flynn

01:16:53 Chairman Gillan to Larry Flynn

01:17:37 Sen. Tropila to Larry Flynn

Closing by Sponsor:

01:23:06 Sen. Schmidt

01:23:48 Break

01:34:04 Comments by Chairman Gillan

HEARING ON SB 325

Opening Statement by Sponsor:

01:32:17 **SEN. DAVE LEWIS (R), SD 42**, opened the hearing on **SB 325**, Restrict submission of zoning proposals.

Proponents' Testimony:

01:35:38 Ed Grady, Rancher and Landowner

EXHIBIT(1os34b06)

01:37:09 Michael Kakuk, Montana Association of Realtors

01:38:29 Liane Taylor, Helena Association of Realtors

01:39:13 Andy Adamek, Attorney, Helena

01:41:04 Howie Anderson, Silver City

01:43:15 Additional Proponent Testimony provided to the Committee.

EXHIBIT(1os34b07)

Opponents' Testimony:

01:43:51 Mike Murray, Chairman, Lewis and Clark County Commission

01:46:45 Ed Tinsley, Vice Chairman, Lewis and Clark County Commission

01:49:47 Linda Stoll, Montana Association of Planners, Missoula County

01:52:57 Tim Davis, Montana Smart Growth Coalition

01:55:14 Harold Blattie, Executive Director, Montana Association
of Counties

01:56:31 Gordon Morris, on behalf of Lewis and Clark County
Commissioners

01:57:40 Andy Hunthausen, Lewis and Clark County Commissioner

Informational Testimony:

01:58:45 None

Questions from Committee Members and Responses:

01:59:00 Sen. Esp to Tim Davis

02:00:36 Sen. O'Neil to Ed Grady

Closing by Sponsor:

02:03:53 Sen. Lewis

02:07:33 Comments by Chairman Gillan

02:08:53 Linda Stoll, Montana Association of Planners, Missoula
County

EXHIBIT (los34b08)

02:12:38 **Motion:** SEN. MOSS moved to consider a COMMITTEE BILL.

02:12:53 Sen. Laible to Michael Kakuk

02:13:43 Sen. Gebhardt to Linda Stoll

02:14:16 Sen. Juneau to Linda Stoll

02:16:10 Chairman Ryan

02:17:06 Sen. Esp

02:17:44 Chairman Ryan

02:18:11 **Motion:** SEN. MOSS CALLED THE QUESTION ON THE COMMITTEE
BILL.

02:18:25 **Vote:** Motion carried 10-1 by voice vote with SEN.
O'NEIL voting no.

02:18:48 Chairman Gillan

EXECUTIVE ACTION ON SB 51

02:19:38 Sen. Hawks

EXHIBIT(los34b09)

02:20:58 **Motion:** SEN. HAWKS moved that SB 51 DO PASS.

Discussion:

02:22:11 Sen. Hawks

02:22:15 Tim Davis, Montana Smart Growth Coalition

02:28:06 Chairman Gillan to Tim Davis

02:28:37 Sen. Esp to Tim Davis

02:31:35 Chairman Gillan to Harold Blattie

02:32:54 Sen. Esp to Michael Kakuk

02:36:38 Sen. Hawks

02:37:10 Sen. Gebhardt

02:37:34 Tim Davis continues his explanation of the amendments.

02:38:45 Chairman Gillan to Tim Davis

02:39:21 Leanne Heisel

02:39:55 Tim Davis

02:40:50 Chairman Gillan to Sen. Hawks

02:41:30 **Motion:** SEN. HAWKS moved that SB 51 BE CONCEPTUALLY
AMENDED.

02:42:20 **Vote:** Motion carried unanimously by voice vote.

02:42:40 **Motion:** SEN. HAWKS moved that SB 51 BE AMENDED.

Discussion:

02:43:01 Sen. Murphy to Sen. Gebhardt
02:44:26 Sen. Hawks
02:44:52 Sen. Gebhardt
02:45:11 Chairman Gillan to Mary Sexton, Director, DNRC
02:45:55 Sen. Gebhardt to Mary Sexton
02:46:33 Sen. Esp
02:47:35 Sen. Hawks
02:47:42 Tim Davis
02:48:48 Sen. Esp to Tim Davis
02:49:50 Chairman Gillan to Sen. Hawks
02:50:06 Sen. Esp
02:50:31 Sen. Laible
02:50:59 Michael Kakuk
02:52:06 **Motion: SEN. ESP moved that SB 51 BE CONCEPTUALLY AMENDED.**

Discussion:

02:52:40 Sen. Gebhardt
02:53:08 Sen. Esp
02:53:50 Sen. Hawks
02:54:01 **Vote: Motion carried unanimously.**
02:54:06 **Motion: SEN. HAWKS moved that SB 51 DO PASS AS AMENDED.**

Discussion:

02:55:01 Sen. Esp
02:55:18 Sen. Hawks

02:55:33 Sen. Laible
 02:56:24 Sen. Esp to Sen. Laible
 02:56:55 Chairman Gillan to Harold Blattie
 02:59:29 Sen. Gebhardt
 03:00:13 Chairman Gillan
 03:00:33 Sen. O'Neil
 03:01:21 Sen. Moss
 03:01:44 Sen. Hawks
 03:02:01 **Vote: Motion carried 10-1 by voice vote with SEN. O'NEIL voting no.**
 03:02:25 Comments by Committee Members

EXECUTIVE ACTION ON SB 110

03:04:25 **Motion: SEN. LAIBLE moved that SB 110 DO PASS.**

EXHIBIT(los34b10)

EXHIBIT(los34b11)

03:04:40 **Motion: SEN. LAIBLE moved that SB 110 BE AMENDED.**

Discussion:

03:05:17 Michael Kakuk
 03:06:06 Chairman Gillan to Michael Kakuk
 03:07:07 Sen. Esp to Michael Kakuk
 03:07:33 Chairman Gillan to Michael Kakuk
 03:11:25 Sen. Esp to Michael Kakuk
 03:12:39 Sen. Williams
 03:13:52 Michael Kakuk referred the question to Myra Shults.
 03:14:22 Leanne Heisel

03:14:34 Michael Kakuk

03:16:21 Chairman Gillan

03:18:15 Sen. O'Neil

03:18:40 Sen. Hawks to Michael Kakuk

03:19:44 Michael Kakuk

03:22:39 Sen. Esp to Michael Kakuk

03:23:11 **Vote: Motion carried unanimously by voice vote.**

03:23:28 **Motion: SEN. LAIBLE moved that SB 110 DO PASS AS AMENDED.**

Discussion:

03:23:49 Sen. Williams

03:24:51 Sen. Laible

03:25:54 Sen. Hawks

03:26:53 Sen. Gebhardt

03:27:13 Chairman Gillan

03:28:39 **Vote: Motion carried 8-3 by voice vote with SEN. ESP, SEN. O'NEIL, and SEN. WILLIAMS voting no.**

03:29:24 Break

03:54:36 Return to Committee Meeting

03:54:40 Sen. Tropila left
Sen. Murphy left
Sen. Hawks left

EXECUTIVE ACTION ON SB 284

03:55:24 **Motion: SEN. MOSS moved that SB 284 DO PASS.**

EXHIBIT(los34b12)

03:55:54 **Motion: SEN. MOSS moved that SB 284 BE AMENDED.**

03:56:13 Sen. Moss

04:03:55 Leanne Heisel

04:05:01 Chairman Gillan to Sen. Moss

04:07:05 Sen. Esp to Sen. Moss

04:10:09 Chairman Gillan to Sen. Moss

04:11:24 Sen. O'Neil to Sen. Moss

04:13:06 Chairman Gillan

04:13:25 Sen. Esp

04:14:36 Sen. Laible

04:14:49 Sen. O'Neil

04:15:53 Chairman Gillan

04:16:50 Sen. O'Neil

04:17:34 Sen. Moss

04:20:27 Sen. O'Neil to Ed Barlett, Travel Industry Association
of Montana

04:21:55 Sen. Gebhardt

04:22:40 Sen. Esp

04:23:37 Sen. Williams

04:24:23 Chairman Gillan

04:25:19 Sen. Moss

04:26:21 **Vote: Motion carried 9-2 with SEN. GEBHARDT and SEN.
O'NEIL voting no. SEN. TROPILA, SEN. HAWKS and SEN.
MURPHY voted aye by proxy.**

04:27:00 Sen. Gebhardt

04:27:12 **Motion: SEN. MOSS moved that SB 284 DO PASS AS
AMENDED.**

Discussion:

04:27:35 Sen. Moss

04:28:47 Vote: Motion carried 9-2 with SEN. ESP and SEN. O'NEIL voting no. SEN. TROPILA, SEN. HAWKS and SEN. MURPHY voted aye by proxy.

EXECUTIVE ACTION ON SB 147

04:29:32 Motion: SEN. GEBHARDT moved that SB 147 DO PASS.

Discussion:

04:29:46 Leanne Heisel

04:31:40 Motion: SEN. GEBHARDT moved that SB 147 BE AMENDED.

[EXHIBIT](#)(los34b13)

Discussion:

04:32:15 Sen. Gebhardt

04:32:57 Chairman Gillan

04:33:02 Vote: Motion carried unanimously by voice vote.

04:33:11 Motion: SEN. GEBHARDT moved that SB 147 DO PASS AS AMENDED.

Discussion:

04:33:28 Sen. Esp

04:34:03 Sen. Gebhardt

04:34:39 Leanne Heisel

04:36:05 Sen. Esp to Leanne Heisel

04:37:09 Vote: Motion carried unanimously by voice vote with SEN. HAWKS, SEN. TROPILA and SEN. MURPHY voting aye by proxy.

EXECUTIVE ACTION ON SB 264

04:39:11 **Motion:** SEN. WILLIAMS moved that SB264 DO PASS.

EXHIBIT(los34b14)

04:39:40 **Motion:** SEN. ESP moved that SB 264 BE AMENDED.

Discussion:

04:39:49 Sen. Esp

04:40:28 **Vote:** Motion carried unanimously by voice vote.

04:40:39 **Motion:** SEN. WILLIAMS moved that SB 264 DO PASS AS AMENDED.

Discussion:

04:40:54 Chairman Gillan

04:41:33 Sen. Esp

04:41:52 Sen. Gebhardt

04:42:45 Sen. Laible

04:43:23 Leanne Heisel

04:43:46 Sen. Gebhardt

04:44:42 Sen. O'Neil

04:45:26 **Vote:** Motion carried 6-5 by roll call vote with SEN. ESP, SEN. GEBHARDT, SEN. GILLAN, SEN. LAIBLE, and SEN. MURPHY, voting no SEN. MURPHY voted no by proxy.

EXECUTIVE ACTION ON SB 14

04:47:19 **Motion/Vote:** SEN. GEBHARDT moved that SB 14 BE TABLED. Motion carried unanimously by voice vote with SEN. MURPHY voting aye by proxy.

ADJOURNMENT

Adjournment: 8:02 P.M.

SEN. KIM GILLAN, Chairman

MARIGAIL SCHREINER, Secretary

KG/ms

Additional Exhibits:

EXHIBIT ([los34bad.pdf](#))